

IFW/ DAC

PTO/SB/64a (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN  
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)

05002.0002.NPUS00

First named inventor: Patrick C. Jackanich

Application No.: 10/603,089

Art Unit: 3765

Filed: June 25, 2003

Examiner: Nerbun, Peter P.

Title: Novelty Hats

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
UNDER 37 CFR 1.137(b)**

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

**2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))**

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is June 25, 2004.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

04/21/2005 KRLI11 00000002 003000 10:30:00

01 FC:1453 1500.00 00

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
Signature

April 20, 2005

\_\_\_\_\_  
Date

Michael J. Bell / Andrew R. Sommer

\_\_\_\_\_  
Typed or printed name

39,604 / 53,932

\_\_\_\_\_  
Registration Number, if applicable

2941 Fairview Park Dr. Box 7

\_\_\_\_\_  
Address

(202) 383-6500

\_\_\_\_\_  
Telephone Number

Falls Church, VA 22042

\_\_\_\_\_  
Address

Enclosures: ☒ Fee Payment

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Rescission of Previous Nonpublication Request

#### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

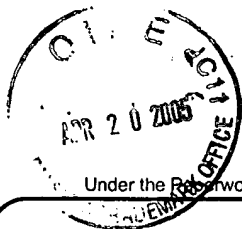
☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing certificate



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|   |                      |                        |                   |
|---|----------------------|------------------------|-------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/603,089             |                   |
|   | Filing Date          | June 25, 2003          |                   |
|   | First Named Inventor | Patrick Jackanich      |                   |
|   | Art Unit             | 3765                   |                   |
|   | Examiner Name        | Nerbun, Peter          |                   |
| Total Number of Pages in This Submission  | 5                    | Attorney Docket Number | 05002.0002.NPUS00 |

| ENCLOSURES (Check all that apply)  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Rescission of Previous Nonpublication Request - Form PTO/SB/36 |
| Remarks  |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |          |                 |
|--|--|----------|-----------------|
| Firm Name                                  | Howrey Simon Arnold & White, LLP.<br>Customer No.: 22930 |          |                 |
| Signature                                  |  |          |                 |
| Printed name                               | Michael J. Bell / Andrew R. Sommer                       |          |                 |
| Date                                       | April 20, 2005   | Reg. No. | 39,604 / 53,932 |

| CERTIFICATE OF TRANSMISSION/MAILING   |  |      |
|---|--|------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |  |      |
| Signature   |  |      |
| Typed or printed name   |  | Date |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

Indicate if applicant claims small entity status. See 37 CFR 1.27

**Complete If Known**

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/603,089        |
| Filing Date          | June 25, 2003     |
| First Named Inventor | Patrick Jackanich |
| Examiner Name        | Nerbun, Peter     |
| Art Unit             | 3765              |
| Attorney Docket No.  | 05002.0002.NPUS00 |

TOTAL AMOUNT OF PAYMENT (\$1500)

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money ☐ other ☐ None☒ Deposit Account:

|                        |   |
|------------------------|---|
| Deposit Account Number | 08-3038   |
| Deposit Account Name   | Howrey Simon Arnold & White<br>Customer No. 22930 |

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity        |          | Small Entity |          | Fee Description        | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001                | 770      | 2001         | 385      | Utility filing fee     |          |
| 1002                | 340      | 2002         | 170      | Design filing fee      |          |
| 1003                | 530      | 2003         | 265      | Plant filing fee       |          |
| 1004                | 770      | 2004         | 385      | Reissue filing fee     |          |
| 1005                | 160      | 2005         | 80       | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |          |              |          | <b>(\$)</b>            | <b>0</b> |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20**               |              |                | 0        |
| Independent Claims | 3**          |                | 0        |
| Multiple Dependent |              |                | 0        |

| Large Entity        |          | Small Entity |          | Fee Description  | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1202                | 18       | 2202         | 9        | Claims in excess of 20                                 |          |
| 1201                | 86       | 2201         | 43       | Independent claims in excess of 3                      |          |
| 1203                | 290      | 2203         | 145      | Multiple dependent claim, if not paid                  |          |
| 1204                | 86       | 2204         | 43       | ** Reissue independent claims over original patent     |          |
| 1205                | 18       | 2205         | 9        | ** Reissue claims in excess of 20 over original patent |          |
| <b>SUBTOTAL (2)</b> |          |              |          | <b>(\$)</b>  | <b>0</b> |

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity                       |          | Small Entity |          | Fee Description  | Fee Paid         |
|------------------------------------|----------|--------------|----------|--|------------------|
| Fee Code                           | Fee (\$) | Fee Code     | Fee (\$) |  |                  |
| 1051                               | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |                  |
| 1052                               | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |                  |
| 1053                               | 130      | 1053         | 130      | Non-English specification  |                  |
| 1812                               | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |                  |
| 1804                               | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |                  |
| 1805                               | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |                  |
| 1251                               | 110      | 2251         | 55       | Extension for reply within first month                                     |                  |
| 1252                               | 420      | 2252         | 210      | Extension for reply within second month                                    |                  |
| 1253                               | 950      | 2253         | 475      | Extension for reply within third month                                     |                  |
| 1254                               | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |                  |
| 1255                               | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |                  |
| 1401                               | 330      | 2401         | 165      | Notice of Appeal   |                  |
| 1402                               | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |                  |
| 1403                               | 290      | 2403         | 145      | Request for oral hearing   |                  |
| 1451                               | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |                  |
| 1452                               | 110      | 2452         | 55       | Petition to revive - unavoidable   |                  |
| 1453                               | 1,330    | 2453         | 665      | Petition to revive - unintentional   | 1500             |
| 1501                               | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |                  |
| 1502                               | 480      | 2502         | 240      | Design issue fee   |                  |
| 1503                               | 640      | 2503         | 320      | Plant issue fee  |                  |
| 1460                               | 130      | 1460         | 130      | Petitions to the Commissioner  |                  |
| 1807                               | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |                  |
| 1806                               | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |                  |
| 8021                               | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |                  |
| 1809                               | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |                  |
| 1810                               | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |                  |
| 1801                               | 77       | 2810         | 385      | Request for Continued Examination (RCE)                                    |                  |
| 1802                               | 90       | 1802         | 90       | Request for expedited examination of a design application                  |                  |
| Other fee (Specify) 1504/8001      |          |              |          |  |                  |
| * Reduced by Basic Filing Fee Paid |          |              |          | <b>SUBTOTAL (3)</b>  | <b>(\$)</b> 1500 |

**SUBMITTED BY**

(Complete if applicable)

|                   |                                    |                                   |                |           |                |
|-------------------|------------------------------------|-----------------------------------|----------------|-----------|----------------|
| Name (Print/Type) | Michael J. Bell / Andrew R. Sommer | Registration No. (Attorney/Agent) | 39,604/53,932  | Telephone | (202) 383-6500 |
| Signature         | <i>Michael J. Bell</i>             | Date                              | April 20, 2005 |           |                |

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